

Guidelines for FCAAP Grants

Flood Control Assistance Account Program
under Chapter 86.26 RCW and 173-145 WAC

Grant Period: September 1, 2003 to June 30, 2005

- **Applications due to County Engineers for prioritization: Thursday, June 5, 2003**
- **County Engineers forward applications to Ecology: Thursday, June 19, 2003**



**Washington State Department of Ecology
Shorelands and Environmental Assistance Program**

available electronically at
<http://www.ecy.wa.gov/programs/sea/grants/fcaap/intro.html>

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The FCAAP Program is subject to legislative actions and funding appropriation.

FCAAP

Flood Control Assistance Account Program

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2003-2005 Biennium

Grant Application Guidelines for FCAAP Flood Control Assistance Account Program

These guidelines have been developed to assist local jurisdictions in preparation of grant applications to the Flood Control Assistance Account Program (FCAAP), a statewide financial assistance program. These guidelines provide an overview of the program and supplement the detailed "Comprehensive Planning for Flood Hazard Management" guidebook (publication number 91-44) and Ecology's current edition of "Administrative Requirements for Ecology Grants and Loans" (publication number 91-18). Both documents are followed in the Flood Control Assistance Account Program.



Who Can Apply

FCAAP is a statewide financial assistance program. Any public entity that belongs to the National Flood Insurance Program (NFIP) such as towns, cities, counties, special districts and eligible tribes throughout the state are invited to apply. Special districts include:

- Conservation Districts
- Diking Districts
- Drainage Districts
- Diking/Drainage Districts
- Intercounty Diking and Drainage Districts
- Consolidated Diking, Drainage, Diking Improvement or Drainage Improvement Districts
- Flood Control Districts

Applications for all local jurisdictions and special districts must be submitted to the county engineer by Thursday, June 5, 2003. The county engineer will then prioritize the applications from jurisdictions within its borders on a county-wide basis. The county then compiles the

applications and submits them, along with prioritized list to Ecology by Thursday, June 19, 2003..

Note: Jurisdictions that have been developing a Comprehensive Flood Hazard Management Plan (CFHMP) in the 2001-2003 biennium need to apply in the 2003-2005 biennium in order to obtain funding to complete their plan.

Background

FCAAP was established by the state Legislature in 1984 to help local authorities (counties, cities, towns, and special districts throughout Washington state) reduce flood hazards and flood damages. FCAAP is administered by the Department of Ecology's Shorelands and Environmental Assistance Program. Because there are many contributing factors to flood conditions, FCAAP fosters a holistic or watershed approach in minimizing flood hazards from headwaters to the coastal environment. Poor management of one part of the watershed can result in flooding problems in another. Therefore we need to look at ALL aspects if we are to effectively meet the challenges in reducing flood hazards. Following are just some of the efforts in watershed management:

- preservation / restoration of wetlands that can absorb surface water overflow;
- land use practices that permit only select uses in the flood plain;
- forest practices that protect uplands from erosion and reduce sedimentation in rivers and streams thus improving fisheries habitat;
- agricultural practices that protect streambanks from erosion by farm animals;
- practices that improve water quality and habitat for fish and wildlife;
- urban practices that effectively deal with stormwater drainage and maintain flood damage reduction facilities.

Traditionally, flood hazard management has been the responsibility of local public works or engineering departments. With the increasing emphasis on resource protection, fisheries restoration, integrated planning process, growth management, watershed planning, non-structural flood protection measures and intergovernmental coordination, it may be more appropriate that the local planning department take the lead role. The important thing is that the two departmental functions work closely together and with all interested parties during the planning process.

In developing CFHMPs, it is important to consider the "tools" that, in most cases, already exist. These "tools" include: the local flood damage prevention ordinance (required for all communities participating in the NFIP); Shoreline Master Programs (SMP) (mandated by the Shoreline Management Act) and Growth Management Act comprehensive plans and development regulations and other planning efforts in progress such as watershed planning. These programs work together to help jurisdictions create a consistent, comprehensive and balanced approach to shoreline, flood plain, and land use management. Shorelines play key roles in many communities, providing valuable economic, social and ecological resources. As a regulatory tool, the SMP provides local governments a strong means by which to manage the effects of development on shorelines, including flood plains. All streams with a mean annual flow of 20 cubic feet per second (cfs) or more, lakes over 20 acres, and associated

wetlands, are included within the shoreline management jurisdiction. The comprehensive plan, as an "umbrella" document, can help articulate the relationship of the shoreline and floodplain issues to other aspects of the community's environment and to its overall development strategy. The GMA also directs those cities that are required or choose to plan under the Act to designate those areas that are susceptible to flooding as "critical areas." Classification, designation and protection of these critical areas is required under 36.70A.060 RCW and Chapter 365.190 WAC. Critical areas must be regulated to preclude development or land uses that are inappropriate in frequently flooded areas. By addressing flood plain and shoreline issues in GMA comprehensive plans, local governments can provide a "bridge" between the GMA plan's general policy guidance and the more specific language usually contained in CFHMPs and SMPs. Flood plain and shoreline factors can be examined in land capability and suitability analyses. Consistent plans and development regulations will improve predictability for property owners, enable more efficient, and cost effective government administration and result in better flood plain management.

Since we "all live downstream" it is in our collective best interest to create viable comprehensive flood hazard management plans (CFHMP) and provide flood maintenance measures on a watershed basis.

The mission of the Department of Ecology is to "protect, preserve and enhance Washington's environment, and promote the wise management of our air, land and water for the benefit of current and future generations". In furthering this mission, and in implementing legislative mandates, the Program has developed these guidelines to facilitate preparation of FCAAP grant applications.

2003-2005 Biennium Focus

The foremost concern of this grant program is the protection of human life and property from flood related events. Budget restraints mandated by the legislature for this biennium preclude the full scope of floodplain management proposals from being funded. As such, work done through this grant program will emphasize local planning efforts in order to maximize this limited funding. Proposals such as completion of Comprehensive Flood Hazard Management Plans (CFHMP); the floodplain element of all-hazards mitigation plan; projects that implement an adopted CFHMP; floodplain acquisition projects; and limited fish habitat protection and/or enhancement projects that have a flood hazard reduction component. will receive primary consideration for award. Other types of projects will be considered if funding allows. Hence, Ecology is focusing project efforts for the 2003-2005 biennium as follows:

- **Completion of plans begun in a previous biennium.** The original rationale for preparing Comprehensive Flood Hazard Management Plans (CFHMP) was to be certain that individual Flood Damage Reduction projects would be consistent with all else that is happening in a watershed. There have been numerous CFHMPs funded and prepared by FCAAP through the years. However, not all have been completed and/or adopted by local governments. In order to obtain funding from FCAAP for Flood Damage Reduction projects, these plans must be adopted by local governments and given final approval by Ecology. Also, mitigation plans have

become much more important in view of the fact that they are now a precondition for receiving funding for six different programs (see below). In an effort to achieve adoption of plans previously initiated in a former biennium by local government with approval by Ecology, FCAAP is encouraging completion of these efforts in the 2003-2005 Biennium. Planning projects are funded up to 75 percent of total project cost.

- **The flood planning element of all-hazards mitigation plan (efforts that complement mitigation planning that is now required by the Disaster Mitigation Act of 2000.)** The Disaster Mitigation Act of 2000 (DMA 2K) requires that after November 1, 2003, a community must prepare a **multi-hazard** mitigation plan as a prerequisite to receiving funding through the Hazard Mitigation Grant Program (HMGP) (the date has been extended to November 1, 2004). Thus, a local mitigation plan is a prerequisite of:
 - ✓ **HMGP** – FEMA/State Hazard Mitigation Grant Program
 - ✓ **FMA** – FEMA/State Flood Mitigation Assistance Program
 - ✓ **PDM** – FEMA Pre-Disaster Mitigation Program
 - ✓ **CRS** – the FEMA Community Rating System (plan needed for most participants)
 - ✓ **COE** – several flood control programs of the Corps of Engineers
 - ✓ **FCAAP** – flood mitigation plan required as condition of flood control projects

Through an interagency Memorandum of Understanding (MOU) between Ecology and the Division of Emergency Management, FCAAP plans have been sufficient in the past for meeting the planning requirement in the HMGP. Now, however, because these plans must address **all** hazards, the traditional FCAAP plan will not be sufficient. This activity will allow funding that will encourage communities to undertake multi-hazard mitigation plans. The State FCAAP share cannot be expended on planning for hazards other than the flood hazard (exception: certain elements that are common to all hazards), but the local share can be devoted to those other hazards and still be part of the FCAAP project. The DMA 2K requirement will have a major impact on communities throughout the State, and the FCAAP funding mechanism should help communities by providing additional resources they will need to prepare their all-hazard mitigation plans. Planning projects are funded up to 75 percent of total project costs.

- **Projects that implement an adopted CFHMP:** The CFHMP is the technical foundation for flood hazard management recommendations and are required as a condition of receiving assistance for flood damage reduction projects. These plans identify viable priority projects to reduce flood hazards. For example, following a flood in which levees are destroyed, the plan will provide insight as to whether those levees should be rebuilt to pre-flood conditions or if they should be lowered, modified (overtopping levees, setback levees) or eliminated all together. Flood hazard reduction projects are funded up to 50% in most cases. However, a construction project can be funded up to 75% if the Department deems it is in the state's best interest to do so.

- **Floodplain acquisition projects.** Repeated flooding of privately owned riverine properties threatens life and is costly to the community in general through expenditures for increased flood fight activities, disaster assistance and flood insurance. By acquiring flood ravaged property and demolishing existing structures and appurtenances, the threat to human life is eliminated; further hazard to infrastructure and critical spawning habitat is minimized; water contamination is reduced; and the river and its floodplain are allowed to resume their natural function. By acquiring wetland areas, the flooded riverine system further benefits through the ability of the wetland to absorb flood waters and release them slowly thus acting as a natural flood hazard deterrent. Wetlands also serve as important juvenile fish habitat areas. Acquisitions through FCAAP assistance are typically restored to their original natural state and remain as open space in perpetuity (parks, nature preserves, cultivation, grazing, and unimproved pervious parking areas), recreational use, habitat restoration or wetlands management purposes only. Acquisition projects are funded up to 50 percent of total project costs, but can be funded up to 80 percent in declared emergencies. These funds can be used as match for several other Federal floodplain acquisition programs.
- **Limited fish habitat protection and/or enhancement projects.** There are several sources of funding for fish habitat protection and enhancement and this, together with the greater emphasis this biennium on planning, will limit the availability of funding for fish habitat projects. Primarily, these projects will be limited to work that FCAAP traditionally has supported, such as bank stabilization, but only where this work will be performed using bioengineering techniques. The benefits of biotechnical bank restoration include long-term stabilization of eroding banks, replacement of riparian vegetation and improved habitat for wildlife and fish. Biotechnical restoration involves minimal reshaping of eroded banks, using “soft” engineering methods of soil stabilization incorporating conventional structural materials and living plant materials, combined with river corridor protection or buffer zones. Biotechnical approaches do not include bar scalping, dredging or debris removal. Many past streambank stabilization and erosion control practices have been environmentally destructive and resulted in increased flood damage and expenditure of public funds. Stream channelization, gravel bar scalping and bank “hardening” with concrete or riprap typify these practices. FCAAP will fund biotechnical and other acceptable fish habitat projects up to 50 percent of total project costs.

Public access opportunities (such as dike-top trails) frequently go hand-in-hand with flood damage reduction efforts. FCAAP applicants are encouraged to look for these opportunities and, in the planning process, decide on their viability.

The National Flood Insurance Program

The role of the National Flood Insurance Program (NFIP) is to make affordable flood insurance available to communities. To qualify, the community must adopt approved flood plain management regulations at least as stringent as the federal minimum standards as established by the Federal Emergency Management Agency (FEMA). FCAAP requires participation in the NFIP in order to be eligible for financial assistance grants. For more information on the National Flood Insurance Program, please contact the respective regional FCAAP staff (see page 24).

Endangered Species Act

Due to the Endangered Species Act (ESA) listings of salmonids in Washington's waters, FCAAP grant applicants must determine whether or not their proposed project will affect salmon. Inherent in any floodplain activity is furthering these efforts toward recovery of (ESA threatened) fisheries resources. Wherever possible, proposals that demonstrate a propensity for preservation, restoration or enhancement of those resources through planning or flood damage reduction projects will receive greater weight in the evaluation process.

How can resources that contain ESA threatened fish resources be protected or enhanced through FCAAP? Ways to achieve this are through Comprehensive Flood Hazard Management plans; flood damage reduction projects (such as culvert or tide gate replacement to encourage fish passage; or placement of groins to slow the velocity of flood water and provide habitat and resting areas for fish; biotechnical streambank stabilization for improved habitat, etc. As part of the FCAAP application process, we encourage local jurisdictions to look at non-structural possibilities. Then within their planning process, decide whether those possibilities are viable enough to be implemented.

In the course of planning a project, applicants should identify all potential impacts to salmonids and describe the mitigation measures that will be taken to avoid, minimize, or compensate for those impacts. Construction projects will receive the most scrutiny in this regard. For these projects, Ecology has provided the "ESA Listed Salmonids Checklist / Mitigation Strategy Form" as part of this application packet. Any construction project with potential impacts to salmonid species listed under the ESA will require completion of this form to document how identified impacts will be mitigated. Failure of an applicant to disclose ESA impacts, or demonstrate adequate mitigation for impacts, will result in delays or disqualification for funding.

Washington State Statutes and Rules

There are three principal interrelated Washington statutes (Revised Code of Washington [RCWs]) that, along with their supporting administrative guidelines (Washington Administrative Code [WACs]) address flood hazard management activities. Local engineers, planners and administrators dealing with flood hazard management activities are strongly advised to refer to

the RCW and WAC chapters during the planning process. Copies are provided at our FCAAP web site for ready reference. You will also find a discussion of the following laws in the Comprehensive Planning for Flood Hazard Management guidebook:

- Chapter 86.12 RCW - Flood Control by Counties
- Chapter 86.16 RCW - Flood Plain Management
- Chapter 86.26 RCW - State Participation in Flood Control Maintenance
- Chapter 173-145 WAC - Requirements for a Comprehensive Flood Control Management Plan. (Chapter 173-145 WAC is in the process of being amended to meet requirements of HB 2851; see Chapter 86.26.100 RCW.)

In addition, Substitute Senate Bill 5968, effective July 1, 1993 provides that: "In awarding grants under Chapter 86.26 RCW, the Department of Ecology shall give strong preference to local governments that have: 1) Implemented, or are in the process of implementing, an ordinance that establishes a flood plain policy that is substantially more stringent than minimum federal requirements; 2) completed a comprehensive flood control plan meeting the requirements of RCW 86.12.200; or 3) constructed, or are in the process of constructing, a system of overtopping dikes or levees that allow public access."

Quality Assurance/Quality Control (QA/QC) Plans (Applicable to question 21 on the "Grant Application for Flood Hazard Management Assistance" form.)

To ensure the consistent application of quality assurance principles to the planning and execution of activities that generate environmental measurement data, a QA/QC plan needs to be prepared by the grant Recipient. **If environmental measurement data is collected as part of the project**, the Recipient needs to describe methods, equipment, and procedures used in its collection. A QA/QC report is usually limited to a concise description of the environmental measurement aspects of the project. Ecology's Project Officer reviews and approves these plans prior to initiation of work.

Examples of environmental measurement data include: stream flow volumes, flood event height levels, base flood elevations measured, extent of inundation, identification of erosion zones, identification of riparian areas, sizing of culverts, gravel deposition amounts and sizes, floodplain and wetland delineations, aerial photos, placement and design of levees and other flood control structures, fish and wildlife counts, and any other data collected in relation to the development of a Comprehensive Flood Hazard Management Plan or implementation of a flood damage reduction project.

A QA/QC plan describes the following elements depending on the tasks involved:

1. Type of environmental data to be collected;
2. Assumptions that direct the collection and analysis;
3. Resources that will be used (such as flights for aerial photos);

4. Resource documents that will be consulted;
5. Field methods employed;
6. Office methods employed;
7. Training level of staff involved in data collection and analysis;
8. Equipment/materials to be used and accurate calibration assurance.

For an example of a QA/QC plan, please refer to the sample "QA/QC Plan for Erosion Hazard Analysis" contained within the application packet.

Types of FCAAP Projects

As provided by Chapter 86.26, funding is available in three distinct categories:

- Comprehensive Flood Hazard Management Plans (range generally from \$50,000 to \$150,000 depending on the need of the jurisdiction, the availability of match, and the extent of work involved.*) Plans are funded up to 75% of total project costs.
- Flood Damage Reduction (FDR) (construction) Projects (range generally from \$6,000 to \$40,000*) and are funded up to 50% of total project costs. At Ecology discretion, a construction project can be funded up to 75% if the Department deems it in the state's best interest for doing so. These projects will be reviewed on a case by case basis and must be supported by a separate letter of justification as to why a greater state share is required.
- Emergency Projects (funding varies by need up to 80% of total project costs).

* These figures represent averages. Consideration will be given to all applications for plans and projects whether they are above or below these amounts.

Comprehensive Flood Hazard Management Plans

A plan must evaluate problems and proposed solutions to flood hazard reduction, determine the need for flood hazard management work, assess alternatives, analyze environmental impacts, consider fisheries resources, and prioritize recommendations.

FCAAP funding for CFHMPs is available up to 75% of the total project cost. The Department's publication, #91-44, "Comprehensive Planning for Flood Hazard Management" is a valuable planning tool. The following Elements of a Comprehensive Flood Hazard Management Plan are found within Chapter 173-145 WAC.

Elements of a Comprehensive Flood Hazard Management Plan

1. Determination of the need for flood control work:

- a. Description of the watershed;
 - b. Identification of types of watershed flood problems;
 - c. Location and identification of specific problem areas;
 - d. Description of flood damage history;
 - e. Description of potential flood damages;
 - f. Short-term and long-term goals and objectives for the planning area;
 - g. Description of regulations which apply within the watershed, including but not limited to local shoreline management master programs, and zoning, subdivision, and flood hazard ordinances.
 - h. Determination of instream flood control work being consistent with applicable policies and regulations.
2. Alternative flood control work
 - a. Description of potential measures of instream flood control work;
 - b. Description of alternatives to instream flood control work.
3. Identification and consideration of potential impacts of instream flood control work on the following instream uses and resources:
 - a. Fish resources, particularly those listed as threatened by the Endangered Species Act (ESA);
 - b. Wildlife resources;
 - c. Scenic, aesthetic, and historic resources;
 - d. Navigation;
 - e. Water quality;
 - f. Hydrology;
 - g. Existing recreation;
 - h. Other
4. Area of coverage for the comprehensive plan shall include, as a minimum, the area of the one-hundred-year frequency flood plain within a reach of the watershed of sufficient length to ensure that a comprehensive evaluation can be made of the flood problems for a specific reach of the watershed. The plan may or may not include an entire watershed. Comprehensive plans shall also include flood hazard areas not subject to riverine flooding such as areas subject to coastal flooding, flash flooding, or flooding from inadequate drainage. Either the meander belt or floodway shall be identified on aerial photographs or maps which will be included with the plan.
5. Conclusion and proposed solution(s). The CFHMP shall be finalized by the following action from the appropriate local authority:
 - a. Evaluation of problems and needs;
 - b. Evaluation of alternative solutions;

- c. Recommended corrective action(s) with proposed impact resolution measures for resource losses; and
 - d. Corrective action priority.
6. A certification from the Washington State Department of Military, Emergency Management Division , that the local emergency management organization is administering an acceptable comprehensive emergency operations plan.

Eligibility:

To be eligible for FCAAP **PLANNING** assistance, the local jurisdiction is required to:

- A. Participate in and meet all the requirements of the National Flood Insurance Program; and
- B. Allow only flood compatible uses in flood plain areas; and
- C. Be certified by the Washington State Department of Military, Emergency Management Division that an acceptable local emergency management plan is being administered.

Examples: Besides developing a CFHMP and the 2001-2003 priorities, other eligible planning proposals include:

- Flood warning systems;
- Public awareness programs;
- Hydrological studies to more accurately reflect potential flood conditions and thereby revise the standards for flood insurance in the jurisdiction;
- Identification and mapping of drainage basins and associated systems which will lead to the development of regulations that promote balanced land use, and surface water management to mitigate flooding;
- Multipurpose plan to provide the framework for ordinances, education programs, delineation of flood plain boundaries, reference maps and a revised permitting process.

Flood Damage Reduction (construction) Projects

Description

FCAAP assists local authorities in flood damage reduction projects with associated public benefits. In most cases, comprehensive flood hazard management plans are required as a condition of receiving assistance for flood damage reduction projects. The plans should identify viable priority projects to reduce flood hazards. However, in certain circumstances, the need for some projects becomes evident only after the plan has been finalized. These new projects may be of a higher priority than those previously identified. **ALL** flood damage reduction projects and studies, whether existing or new, must be compatible with the jurisdiction's CFHMP. Projects that implement measures identified in the CFHMP are normally given highest priority.

To achieve an equitable distribution of funds to local jurisdictions throughout the state, construction projects will be funded up to 50% in most cases. However, at Department discretion, a construction project can be funded up to 75% if the Department deems it is in the state's best interest to do so. These projects will be reviewed on a case by case basis and must be supported by a separate letter of justification as to why a greater state share is required.

Construction projects for towns, cities, counties, and special districts must be submitted to the county public works department for further prioritization on a county-wide basis. Special districts include but are not limited to:

- Conservation Districts
- Diking Districts
- Drainage Districts
- Diking/Drainage Districts
- Intercounty Diking and Drainage Districts
- Consolidated Diking, Drainage, Diking Improvement or Drainage Improvement Districts
- Flood Control Districts

When applying for FCAAP funding for any Flood Damage Reduction project(s), the applicant must provide the following information in addition to the eligibility requirements previously listed (refer to paragraphs A, B and C on page 9):

- A. Certify that a CFHMP has been completed meeting the requirements of RCW 86.12.200 and adopted by the appropriate local authority and approved by the

Department of Ecology and the Department of Fish and Wildlife, the date approved and the geographic area covered in the plan; OR

- B. If the planning process is in progress and is within the three-year period allotted for plan development, identify the one-hundred year frequency flood plain problem areas and factors contributing to flooding; **and**
- C. Prioritize proposed projects to achieve the greatest efficiency in flood damage reduction for the overall CFHMP study area with the county engineer submitting a county-wide prioritized list; **and**
- D. Provide:
 - a. Problem statement and analysis
 - b. Technical feasibility
 - c. Economic justification
 - d. Political and social acceptability
 - e. Legal permissibility
 - f. Consistency with the CFHMP or plan recommendations.
 - g. Priority of project as identified in the plan;
 - h. Impacts to any ESA listed fisheries habitat
 - i. ESA checklist and mitigation strategy
- E. Provide a description of the project benefits which describe how the project will mitigate flood damages and describe development which exists on adjacent and nearby lands which are protected by the facility.
- F. Identify itemized costs for labor, material, and equipment for each project;
- G. Availability of qualified personnel or resources for planning purposes;
- H. Availability of qualified personnel or resources for project construction purposes;
- I. Permit status (if applicable);
- J. Submit copies of plans, specifications and all required permits to Ecology prior to initiating work.

Examples for FDR Projects:

- Biotechnical streambank stabilization projects to protect river banks in a manner more compatible with the natural river system;
- Shore protection by building a mound system to prevent damage of a waste water treatment plant;

- Replacement of an undersized culvert with a bridge to reduce backwater flooding and improve fish passage;
- Acquisition of land to remove an existing levee system, reestablish tidally influenced wetlands, and increase flood storage capacity;
- Installation of water-tight access lids to prevent infiltration of storm water into the sewer system;
- Cost-share of Corps of Engineers feasibility studies to reduce flooding and erosion;
- Repair dikes to reestablish original flood protection capabilities for critical facilities.
- Removal of existing dikes/levees and construction of a setback system that improves flood protection and helps to restore natural functions.

Projects involving construction must have plans and specifications signed by an engineer who is licensed in the State of Washington.

Emergency Flood-Related Projects

Emergency funding is available up to 80% of total project cost. Funds are allocated on a first-come, first served basis. Maximum funding under this category for any one county is \$150,000 per biennium. Applications must be made on the "Grant Application for Flood Hazard Management Assistance" form.

To receive funding for FCAAP **EMERGENCY** assistance, the local jurisdiction must:

- Be in a state of emergency declared by the city or county; and
- Be in need of a project to immediately protect lives, property and other resources; and
- Have the proposed project approved by appropriate regulatory agencies (including but not limited to the Washington State Department of Ecology, and the Washington State Department of Fish and Wildlife) prior to beginning the project.

Examples for Emergency Projects:

- Emergency levee repair;
- Placement of sand bags and other flood fighting measures;
- Cost share of work to fulfill other matching emergency fund requirements;
- Mitigation of imminent flood threats to critical facilities.

Funding

The Washington State Legislature allocates funds under Chapter 86.26 RCW and 173-145 WAC to be administratively designated for flood control work by the Department of Ecology's Shorelands and Environmental Assistance Program. Typically, 45% of overall funding awarded is for Comprehensive Flood Hazard Management Plans, 25% for FDR projects, 10% for emergency projects, 15% for administration, with 5% allowed for Program contingencies. With the exception of emergency projects, the maximum allowable amount available in one county including all jurisdictions within that county is \$500,000 per biennium. It is important to note that funding for flood related work under the FCAAP grant program is contingent on the availability of legislatively appropriated funds which can not be carried over from one biennium to another.

For the 2003-2005 Biennium, the legislature has mandated that FCAAP allocations be cut by 50% significantly limiting the overall projects that are normally funded. To maximize remaining funds, Ecology routinely redirects any FCAAP funds unspent from defaulted projects and reprograms them to other eligible projects. Therefore, an FCAAP grant award will be viable up to March 31, 2004. A viable award is one in which a grant agreement has been duly executed (signed by both parties) and there has been a good faith effort demonstrated toward meeting project goals and documented through quarterly progress reports. **If all of these conditions have not been met by March 31, 2004, the grant award is automatically rescinded and funds reprogrammed to other local jurisdictions.**

Allowable Funding Percentages

FCAAP funds are allocated as follows:

- For CFHMP Planning: 75% of the total project cost;

- For Flood Damage Reduction Projects: 50% of the total project cost. At Department discretion, a construction project can be funded up to 75% if the Department deems it in the state's best interest for doing so. These projects will be reviewed on a case by case basis and must be supported by a separate letter of justification as to why a greater state share is required. (Ref: Chapter 86.26.100 RCW; Chapter 173-145 WAC is in the process of being amended to meet requirements of HB 2851.)

- For Emergency Projects: 80% of the total project cost.

FCAAP grant agreements are funded at allowable percentage rate (75%, 50% , or 80%) depending on the nature of the project (planning, construction or emergency). In many cases, the actual state share is less than these percentages. Even though less, using the allowable percentage rate benefits the recipient in that it : 1) allows the state share to be spent out earlier; and 2) it does not penalize the recipient should the project come in under budget – the recipient will receive the full state share provided that all expenses are eligible in accordance with the current version of Ecology's "Administrative Requirements for Ecology Grants and Loans" document No. 91-18. For example:

A Comprehensive Flood Hazard Management Plan's total project cost is \$175,000; the state award is \$100,000; the local match is \$75,000. In actuality, the state share is 57.14%. The grant budget would read:

Maximum Eligible Project Cost::	\$175,000
Maximum State Grant Share:	\$100,000
Estimated Local Share:	\$ 75,000

State Maximum Cost Share Rate: 75% UP TO a maximum State Share of \$100,000.

State Share of Grant Projects

The state share of individual FCAAP grant awards is generally:

- in the range of \$50,000 to \$150,000 for **Plans** depending on the need of the jurisdiction, the availability of match, and the extent of work involved.
- in the range of \$6,000 to \$40,000 for **Flood Damage Reduction Projects**; and
- **Emergency Projects** vary by need and availability of funds.

Match Requirements

The remaining value of the grant must be made up of local jurisdiction match. Match can be in:

- Cash (such as paid staff salaries, consultant services, etc.)
- In-kind services (donated services such as citizen time volunteered on an advisory council, or donated equipment such as the donated use of a backhoe); and interlocal match (services/equipment/goods) contributed to the project by another governmental entity through a valid written agreement between the two local jurisdictions. These contributions must be approved by Ecology prior to a grant agreement and thoroughly documented on forms provided by the Department.
- Other awarded grant program funding such as the Hazard Mitigation, Coastal Zone Management, Centennial Clean Water Funds, Environmental Protection Agency, U.S. Fish and Wildlife, etc.

Note: In accordance with Chapter 86.26.100 RCW, the amount of FCAAP funds for cost sharing feasibility studies for new flood control projects shall not exceed fifty percent of the matching funds that are required by the federal government, and shall not exceed twenty-five percent of the total cost of the feasibility study.

Administrative Requirements

FCAAP grants are subject to the current version of the “Administrative Requirements for Ecology Grants and Loans” (Yellow Book) which is available on-line:

Yellow Book - <http://www.ecy.wa.gov/biblio/91018.html>

Invoice Forms - <http://www.ecy.wa.gov/biblio/91018A.html>

Joint Funding Opportunities

There are a number of grant programs within the state that are compatible funding opportunities or can be utilized as local match for FCAAP grants. Joint funded grants are encouraged whenever feasible. Although grant funding cycles, award amounts, percentage of financial assistance and other variables change from program to program, local governments may want to consider supplemental funding through these other sources for a more comprehensive planning effort. Because they are compatible in program scope, these other sources are eligible match for FCAAP:

- Federal Coastal Zone Management grants (available within the 15 coastal counties) for federal Section 306 planning grants, primarily deal with Shoreline Master Program amendments. Because flood control and shoreline issues are closely connected, any flood planning must be compatible with the jurisdiction's Shoreline Master Program

(SMP) and permit requirements. As conditions within the jurisdiction evolve, revisions need to be made to the SMP. Amendments are developed to respond to the jurisdictions changing shoreline needs. This presents an opportunity for joint funding under Coastal Zone Management local grants and the Flood Control Assistance Account Program. Besides SMPs, other related projects which affect both flood and the coastal zone are joint fundable projects.

- Centennial Clean Water Fund grants address water quality issues such as nonpoint pollution, storm water runoff, ground water protection, watershed planning which again are compatible sources of local match.
- Alternative sources of match can be federal funds relating to flood hazard management activities such as acquisition of wetlands; riparian restoration, etc. Please check with your FCAAP representative for appropriate sources of match for an FCAAP grant.

Period of Performance

The time frame for the 2003-2005 FCAAP grant round is September 1, 2003 to June 30, 2005. Up to three years is allowed for development of a Comprehensive Flood Hazard Management Plan. If a plan cannot be completed within the two-year grant cycle, the Recipient must submit a new application to complete the remainder of the work during the next open period for FCAAP applications. It is important to note that funds can not be carried over from one biennium to another without legislative concurrence. New funding is contingent on appropriations by the Legislature. For specific information on elements of a CFHMP, please see page 8 in these guidelines. FCAAP flood damage reduction projects are construction oriented and can generally be accomplished in one year or less.

The Application Process

Applications for FCAAP plans and projects must be submitted on the application form, "Grant Application for Flood Hazard Management Assistance", provided in this packet or available electronically on Ecology's website at

<http://www.ecy.wa.gov/programs/sea/grants/fcaap/intro.html> When preparing the application, please observe the following:

1. Due to the need for the applicant's certifying signature and prioritization by County Engineers, all applications must be submitted in hard copy format. (Electronic copies (including faxes) will not be accepted).
2. **ALL attachments such as maps or other supporting documents MUST be in an 8-1/2" x 11" format for copying purposes;**
3. Documents are to be **stapled** in the upper left corner with page 1 of the "Grant Application for Flood Hazard Management Assistance" facing out. **(Please do not use cover letters, report covers, spiral bindings or binders as they will be removed.)**
4. Short, 15-20 minute, in-house made, videos are welcomed if the applicant feels this will help to convey information on problem areas to be addressed by the application. Videos must be labeled with the applicant's name, project title, and date. (Videos are non-returnable.)

Applications are to include:

- a preliminary scope of work including information for each task proposed for the project;
- proposed work products (deliverables to Ecology) and due dates for each task;
- a preliminary project schedule;
- a preliminary project budget in a matrix format;
- **Three (3) copies** of the complete application (the original plus two) copies.

Applications must be postmarked or hand delivered **to county engineers by Thursday, June 5, 2003, 3:30 P.M.** for the grant period beginning September 1, 2003 and ending June 30, 2005. County engineers will prioritize applications received; retain one copy and forward the original plus one copy **to the Department, post marked or hand delivered no later than Thursday, June 19, 2003, 3:30 P.M..**

Late applications will **NOT** be considered in the initial round of awards. Applications received after the deadline may be considered if awarded funds are not claimed or if additional funds become available. The application must consist of application form plus project specific responses of not more than four (4) pages (printed both sides for an equivalent total of eight single pages). Submit the signed and dated original application plus one copy for a total of two (2) to the Department. (A FAX will not be accepted.) Mail or deliver applications to:

Shorelands and Environmental Assistance Program
Washington State Department of Ecology

Mailing Address:

PO Box 47600
Olympia, WA 98504-7600

Physical Address:

300 Desmond Drive
Lacey, Washington 98503

Attention: Bev Huether, Grants Coordinator

Scope of Work Development

Should you have questions regarding potential comprehensive flood planning, flood damage reduction projects, or need assistance in developing your preliminary scope of work, we encourage you to contact any of our FCAAP staff as listed on page 24 of these guidelines.

When developing the scope of work, be concise but provide enough details for a fair evaluation. We will need to know as much as possible - the "who, how, what, when, where" - of each task within your project. For instance, if a CFHMP is proposed, tell us to what extent the elements for a CFHMP will be completed in this biennium..

Technical guidance information is also available such as Ecology's 1991 publication, Comprehensive Planning for Flood Hazard Management (publication number 91-44) which has proven to be a valuable tool in developing CFHMPs.

Budget Preparation

It is important to establish the budget so that the cost objects necessary for plan development/ completion are considered including salaries, benefits, consultant services, supplies, travel, communication, equipment, and copying. For Flood Damage Reduction (FDR) projects, a breakdown by labor, equipment, materials, administration, etc. is needed. In the application, we ask for a budget matrix. This "working budget" will better enable us to

evaluate your project and determine cost ceilings for items such as consultant services and under what task they will be utilized. In the actual grant document, a simplified budget will be used to facilitate accounting requirements. Please see the budget matrix in the "Sample" provided in this application packet.

Contingency funding: Grant agreements will be budgeted at total project costs. Contingency amounts will not be applicable in this grant cycle.

For any equipment purchase of \$500.00 or more, the recipient must request in writing purchasing concurrence from the Department before the equipment is purchased. The Department then responds in writing to the recipient's request.

In-kind (voluntary services) are valued at \$15.00 / hour / individual.

If **indirect costs** will be a part of the budget, the rate is 25% of direct salary AND benefit costs of local jurisdictional staff. This rate covers utilities, miscellaneous copying, telephone, motor pool, fiscal services, janitorial services, records storage, space rental, etc. In order for these expenses to be eligible for reimbursement, the Recipient will need to submit a list itemizing all categories of indirect expenses with the first quarterly payment request. This list of expenses will remain consistent for the life of the grant.

Consultant/contractual services: Selecting the right consultant is vital to the success of any project, be it planning, design or construction. The goal is to receive the maximum value for dollars spent. To accomplish this, the most qualified consultant must be procured through the jurisdiction's own competitive procurement process.

When initiating solicitation for consultant/contractual services, and at the request of the Recipient, FCAAP staff can assist in the process by sitting in on the selection panels, offer guidance on the selection process, and contribute questions to be asked of the consultant during the interview process. Ecology staff will not vote on the jurisdiction's choice of consultant/contractor.

It is the responsibility of the Recipient to ensure that all sub-recipients and contractors comply with the terms and conditions of the agreement and that the State of Washington is named as an express third-party beneficiary of such subcontracts with full rights as such.

Project Coordination

Based on experience, we have found that it is in the best interest of both the Recipient and the Department to have good coordination on all projects and within various aspects of each project. This not only serves for technical assistance on the project it also helps to avoid or

mitigate problems. It also ensures the best use of time, effort and funds for all parties. We have therefore built into each grant agreement "project coordination" components.

Coordination with Ecology's Project Officer

"To assist the (jurisdiction) and ensure project results are consistent with the state laws and regulations on flood hazard management, the Recipient, as part of this agreement, shall coordinate with Ecology's Program staff, _____, phone: _____. This coordination will provide specific technical assistance on flood hazard management (plans or projects). In order for the Department to provide this support, the Recipient shall coordinate with Ecology's Project Officer by means of telephone conversations and/or meetings at the beginning of each quarter at a minimum. Recipients are encouraged to coordinate more often whenever the Department can provide technical assistance or respond to questions regarding the project or grant."

Coordination with Washington State Department of Fish and Wildlife:

The Recipient shall make all efforts to involve their local Fisheries biologist in the planning process for development of Comprehensive Flood Hazard Management Plans and implementation of Flood Damage Reduction projects.

Coordination with Ecology's Geographical Information System (GIS)

Ecology's GIS Standards	
ESRI's ARC/INFO	Current version
ESRI's ArcView	Current Version
Horizontal Datum	NAD 27 or NAD 83 (Revised 1991)
Vertical Datum	NGVD 29 or NGVD 88
Projection System	Lambert Conic Conformal
Coordinate System	WA State Plane Coordinates
Coordinate Zone	South
Coordinate Units	US Survey Foot
Accuracy Standard	+/-40 Feet (1:24,000) minimum accuracy to within a foot of the true North American datum system
Vector Import Format	ArcExport, DLG and/or DXF, shapefiles
Raster Import Format	TIFF, BIL/BIP, RLC, GRID, ERDAS

Whenever possible, the Recipient is encouraged to utilize the standards listed above when compiling data. To discuss the usage of other standards, please contact Jerry Franklin at 360 407-7470; Fax: 360 407-6902; E-Mail: jfra461@ecy.wa.gov or John Toohey at 360-407-6418; E-Mail: jtoo461@ecy.wa.gov for further data sharing and compatibility information.

Project Selection

In keeping with FCAAP goals, the project selection process has been simplified to meet the demand generated by the considerable number of grants to be evaluated. All applications are reviewed by our interdisciplinary Grants Team and discussed at length. Because requests usually exceed available funds, some proposals may not be funded or only certain tasks of a proposal may be funded. Each application is evaluated on factors established under Chapter 173-145 WAC. To have an equitable grant program, the Grants Team must also consider factors on the entire body of applications such as comparative merit; legislative funding allocations; the funding ceiling of \$500,000 per county; the balancing of funds for rural versus urban jurisdictions; and geographical distribution. With these evaluations complete, a tentative award list is developed and distributed to all applicants. The list is subject to a public hearing where applicants will have an opportunity to comment. The public hearing will be held Tuesday, August 5, 2003 at the Department of Ecology, Lacey, Auditorium Room ROA-36 beginning at 9:30 A.M.

As mentioned, proposals such as (completion of) Comprehensive Flood Hazard Management Plans (CFHMP); the floodplain element of all-hazards mitigation plan; projects that implement an adopted CFHMP; floodplain acquisition projects; and limited fish habitat protection and/or enhancement projects will receive primary consideration for the 2003-2005 Biennium award. All project proposals will be evaluated in part on the extent to which fisheries resources can be preserved, restored or enhanced. This depends on the potential for fish rearing capabilities and whether or not these fish are listed by the Endangered Species Act (ESA) as threatened.

Schedule

The schedule for the 2003-2005 FCAAP grant round is as follows. Please note that activities of the Flood Control Assistance Account Program are contingent on actions of the 2003 legislative session. Should any revisions become necessary, applicants will be notified as soon as possible.

- | | |
|-------------------------|--|
| May 15, 2003: | FCAAP applications available on Ecology's web site:
http://www.ecy.wa.gov/programs/sea/grants/fcaap/intro.html |
| June 5, 2003: | FCAAP applications due to county engineers for prioritization; |
| June 19, 2003: | (Postmarked) Deadline for submittal of county prioritized grant applications to Ecology; |
| June 24 – July 14: | Review of applications by FCAAP Grants Team; FCAAP staff to clarify applications with local jurisdictions as needed |
| July 15, 2003: | Grants Team Meeting for ranking applications |
| July 22, 2003: | Ecology's tentative award list available for public review on FCAAP website |
| August 5, 2003: | PUBLIC HEARING for comments on Ecology tentative award list of eligible projects and plans |
| August 12, 2003: | (Postmarked) deadline for written comments on tentative award list to Ecology |
| August 24, 2003: | Final award list established subject to legislative appropriation; and posted on the FCAAP website |
| August 28, 2003: | Begin preparation of grant documents to successful applicants. |

FCAAP Staff Contacts

FCAAP staff share the commitment to providing technical assistance to recipients through a partnership approach. This concept applies to prospective applicants. By speaking with applicants directly on their individual projects, staff gain a better understanding of the intended project and can field questions during the evaluation process. **We strongly encourage you to contact our FCAAP staff whenever we can provide assistance on flood related issues** - from pre-application stage to project completion; from technical to grant administrative questions.

Contact	Technical Expertise	Phone	E-mail	Counties Served
Tim D'Acci	FCAAP Policy and NFIP	360-407-6796	tdac461@ecy.wa.gov	All
Jerry Franklin	Mapping: FEMA / GIS	360-407-7470	jfra461@ecy.wa.gov	All
Bev Huether	Grant Administration	360-407-7254	bhue461@ecy.wa.gov	All
Scott McKinney	Flood Policy / Planning	360-407-7297	smck461@ecy.wa.gov	All
Ted Olson	FCAAP Plans, projects and NFIP	509-456-2862		Adams, Asotin, Benton, Columbia, Douglas, Ferry, Franklin, Garfield, Grant, Lincoln, Pend-Oreille, Spokane, Stevens, Walla-Walla, Whitman
Doug Pineo	Biotechnical bank stabilization projects	509-456-2796	dpin461@ecy.wa.gov	All
Cygnia Rapp	Fluvial Geomorphologist	425-649-7129	cfre461@ecy.wa.gov	All
Dan Sokol	FCAAP Plans, projects and NFIP	360-407-7253	dsok461@ecy.wa.gov	Clallam, Clark, Cowlitz, Grays Harbor, Jefferson, Klickitat, Lewis, Mason, Pacific, Pierce, Wahkiakum, Skamania, Thurston
Chuck Steele	FCAAP Plans, projects and NFIP	425-649-7139	chst461@ecy.wa.gov	Chelan, Island, King, Kitsap, Kittitas, Okanogan, San Juan, Skagit, Snohomish, Whatcom, Yakima

Our FCAAP staff routinely consult with other Ecology staff, federal and other state agencies on issues such as fisheries resources, wetlands acquisition, preservation/restoration, Shoreline Master Programs, water quality, etc. to provide local governments with comprehensive technical assistance.

FCAAP Grants Team

The purpose of the FCAAP Grant Team is to evaluate the merits of individual applications for flood related plans and projects and then recommend equitable disbursement of grant funds. In addition to the FCAAP staff listed above, the Grants Team is composed of representatives invited from the following agencies to offer their perspective on proposals from local governments:

- Federal Emergency Management Agency (FEMA)
- U.S. Army Corps of Engineers (Corps)
- U.S. Fish and Wildlife Service
- Northwest Indian Fisheries Commission
- Washington State Departments of:
 - Military, Division of Emergency Management
 - Fish and Wildlife
 - Office of Community Development
 - Transportation
 - Natural Resources
 - Ecology
 - Water Quality Program
 - Water Resources Program
 - Environmental Assessment Program
 - Shorelands and Environmental Assistance Program
- Washington State Association of Counties
- Association of Washington Cities

Special Terms and Conditions for Planning Grants

Every awarded grant contains the scope of work, deliverables, due dates and project schedule. For planning grants, it will also contain the following Special Terms and Conditions. It addresses requirements that must be met by the Recipient of the grant award. See the "Evergreen County" sample grant contained within the application packet.

A. Agreement Provisions

1. **Compliance with all Laws:** The Recipient shall comply fully with all applicable federal, state and local laws, orders, regulations and permits.
2. **Restrictions on Lobbying:** The Recipient of this agreement is prohibited from using funds provided by this agreement for lobbying purposes in accordance with the current edition of the Administrative Requirements for Ecology Grants and Loans, Publication No. 91-18, edition, Part III, Section G (Unallowable Costs).
3. **Local Decision:** This grant is made in response to a request for financial assistance from the Recipient to undertake flood hazard planning. The choice of floodplain management activities addressed by this grant is a local decision made solely by the Recipient. The Recipient is not acting as an agent of the State.
4. **Lawsuits:** The Recipient is responsible for any damage or takings claims resulting from the work performed pursuant to this grant. The filing of any legal action by the Recipient against Ecology, for damage or takings claims resulting from the work performed pursuant to this grant, may be grounds for immediate termination of all open FCAAP grants with the local jurisdiction, and may jeopardize the jurisdiction's opportunity to be awarded future FCAAP funds.
5. **Quality Assurance/Quality Control (QA/QC) Plan:** **IF** this project involves the collection of environmental measurement data, the Recipient needs to prepare a QA/QC plan to ensure the consistent application of quality assurance principles to the planning and execution of all activities involved in generating this data. The plan shall be conducted in accordance with the DEPARTMENT's Guidelines and Specifications for Preparing Quality Assurance Project Plans for Environmental Studies, current edition, (Ecology Publication No. 91-16). The plan must describe the monitoring and data quality objectives, procedures, and methodologies which will be used to ensure that all environmental data generated will meet these requirements. The size and complexity of the plan should be cost effective and in proportion to the magnitude of the sampling effort. The RECIPIENT may also reference Technical Guidance for Assessing the Quality of Aquatic Environments, February 1994 (Ecology Publication No. 91-78), in developing the plan. The QA/QC report shall be limited to a concise description of the environmental measurement aspects of this project. Ecology's Project Officer shall review and approve this plan prior to initiation of work.

The QA/QC plan may describe the following elements:

- Assumptions that direct the collection and analysis;
- Resources used (such as flights for aerial photos);
- Resource documents that will be consulted;
- Field methods employed;
- Office methods employed;
- Training level of staff involved in data collection and analysis;
- Equipment/materials to be used and accurate calibration assurance.

6. **Annual Flood Budget:** The Recipient will provide a copy of the annual flood budget when returning signed grants to Ecology. Failure to provide this information required by WAC 173-145-030(5) will result in termination of this grant. If this information is not available, please provide a separate letter explaining why budget information is not available.
7. **Selection of Contractors:** If contractual services are required in order to execute this agreement, the Recipient shall select s contractor in accordance with its local procurement policies. If there is no local procurement policy, the Recipient shall select the contractor in accordance with Washington State regulations. The Recipient shall ensure that all sub-recipients and contractors comply with the terms and conditions of the agreement and that the State of Washington is named as an express third-party beneficiary of such subcontracts with full rights as such.
8. **Minority and Women's Business Participation:** The RECIPIENT agrees to solicit and recruit, to the maximum extent possible, certified minority-owned (MBE) and women-owned (WBE) businesses in purchases and contracts initiated after the effective date of this Agreement.

In the absence of more stringent goals established by the RECIPIENT's jurisdiction, the RECIPIENT agrees to utilize the DEPARTMENT'S goals for minority- and women-owned business participation in all bid packages, request for proposals, and purchase orders. These goals are expressed as a percentage of the total dollars available for the purchase or contract and are as follows:

Construction/Public Works	10% MBE	6%WBE
Architecture/Engineering	10% MBE	6%WBE
Purchased Goods	8% MBE	4%WBE
Purchased Services	10% MBE	4%WBE
Professional Services	10% MBE	4%WBE

Meeting these goals is voluntary and no contract award or rejection shall be made based on achievement or non-achievement of the goals. Achievement of the goals is encouraged, however, and the RECIPIENT and ALL prospective bidders or persons submitting qualifications shall take the following affirmative steps in any procurement initiated after the effective date of this Agreement:

- a. Include qualified minority and women's businesses on solicitation lists.

- b. Assure that qualified minority and women's businesses are solicited whenever they are potential sources of services or supplies.
- c. Divide the total requirements, when economically feasible, into smaller tasks or quantities, to permit maximum participation by qualified minority and women's businesses.
- d. Establish delivery schedules, where work requirements permit, which will encourage participation of qualified minority and women's businesses.
- e. Use the services and assistance of the State Office of Minority and Women's Business Enterprises (OMWBE) and the Office of Minority Business Enterprises of the U.S. Department of Commerce, as appropriate.

By signing this Agreement, the RECIPIENT certifies that the above steps were, or will be followed. Any contractor engaged by the RECIPIENT under this agreement shall be required to follow the above five affirmative steps in the award of any subcontract(s).

The RECIPIENT shall report to the DEPARTMENT at the time of submitting each invoice, on forms provided by the DEPARTMENT, payments made to qualified firms. The report will address:

- a. Name and state OMWBE certification number of any qualified firm receiving funds under the voucher, including any sub-and/or sub-subcontractors.
- b. The total dollar amount paid to qualified firms under this invoice.

9. **Publications and Brochures:** Any publications or brochures required as a product of this agreement shall be bound and conform to minimum standards of size, 8½" x 11" white, recycled paper equivalent in weight to 20 lb. bond, single spaced, printed both sides, no less than 1" margins. Photos, illustrations, and graphs must be of reproducible quality. The RECIPIENT shall comply with any additional specifications as may be outlined in the Scope of Work or confirmed in writing between Ecology and the RECIPIENT.

10. Identification of Project Materials:-

County or City Name Grant No. G0400_____
Project Title Task Title Task Number Date

All reports, maps, and other documents published as part of this grant agreement shall carry the name of the RECIPIENT, Ecology's grant number (in the upper right hand corner), title, the specific task number of the product and date centered on the front cover or title page (or in the case of maps, the block which contains the name of the Government unit or Department)

11. Responsibilities of the Project Coordinator:

The Recipient's Project Coordinator shall be responsible for the procedural obligations under this agreement in addition to his/her duty to coordinate the planning effort hereunder. He/She shall cooperate with all parties concerned in every way possible to promote successful completion of

the services described in the Scope of

Work.

- 12. Documents:** The RECIPIENT shall provide the DEPARTMENT with a minimum of Two (2) copies of all documents produced under the terms of this grant unless otherwise specified.
- 13. Project Completion Requirements:** On completion of the project, the Recipient shall submit the following information and materials to the DEPARTMENT:
 - a. Project Completion Report: The purpose of this report is to document that the project and each of its elements has been completed. Two (2) copies of a "Project Completion Report" are required as follows:
 - (1) Summary Account - The Completion Report must include a **brief summary** account (300 word maximum) of the work accomplished under the grant with respect to each of the surveys, studies, plans, and other planning activities listed in the grant or any amendments to that grant. It is also to include a notation of the exhibit or portion thereof containing the project of that work task.
 - (2) Reports, Maps, Plans, Exhibits, Etc. - The Completion Report must include a list of all reports, maps, plans, and other documents prepared under this grant, indicating for each whether it is in published or unpublished form as defined in the grant.
 - b. Graphic Record Alternative: With respect to models and published maps and plans, such as aerial maps, maps, and plans which are colored or are too large to fold compactly, it is required that only photocopies of each (in color or black and white), whichever is necessary to show the content of the map, (and at least 8" x 10" in size) be submitted as the graphic record for the project. Each photocopy shall be legibly identified as to the title and scale of the original document, the jurisdiction, or area covered, and the report or study to which it relates, and shall contain a notation of the place where the original is located.
 - c. Transmittal of Maps, Plans, Etc.: The title, the grant number, the municipality or county, and the report or study to which each map and plan relates shall be indicated on the outside top fold of such map and plan, and all maps and plans transmitted shall be folded to 8-1/2" x 11".
- 14. Access to Records and Right to Audit:**
 - a. The RECIPIENT agrees that the Auditor for the State of Washington shall, until the expiration of three (3) years after expenditure of funds under this grant, have access to and the right to examine any directly pertinent books, documents, papers, and records of the RECIPIENT involving transactions related to this grant. The RECIPIENT agrees to include the substance of this paragraph into all grants and subcontracts payable from contract funds in whole or in part.
 - b. The RECIPIENT agrees that payment(s) made under this grant shall be subject to reduction for amount charged thereto which are found after audit examination not

to constitute allowable costs under this grant. The RECIPIENT shall refund by check payable to the DEPARTMENT the amount of such reduction of payments under completed or terminated grants.

- 15. Maintenance of Records:** All required records shall be maintained until a state audit is completed and all questions arising therefrom are resolved, or three (3) years after completion of a project, whichever is sooner.
- 16. Payment Requests:** Requests for reimbursement shall be submitted at least quarterly but not more than once per month by the RECIPIENT on state invoice voucher forms. Payment requests are to include at a minimum Form A19-1A "Invoice Voucher", Form B, "Running Budget Summary", Form C: Voucher Support" and Form D "Contractor Participation Report" (if applicable). All requests for payment are to be consistent with the budget as listed in the budget section of this agreement **and accompanied by a commensurate progress report.**

NOTE: Ecology forms listed above are contained in the "Administrative Guidelines for Ecology Grants and Loans" and must be used for payment requests. Otherwise requests will be returned to the RECIPIENT for submittal on the correct forms. Electronic copies of these forms and the "Administrative Requirements for Ecology Grants and Loans" ("Yellow Book") are available at Ecology's websites:

- Forms - <http://www.ecy.wa.gov/biblio/91018A.html>
- Yellow Book - <http://www.ecy.wa.gov/biblio/91018.html>

Complete backup documents (to include but not limited to all invoiced costs, time sheets [signed and dated by both employee and supervisor], etc.) **MUST** be maintained by the RECIPIENT. These expenses will be kept in grant files according to budget task for a period of three years after project completion and made available at any time for inspection by the DEPARTMENT.

Final payment of grant projects is contingent on receipt of viable work products as listed in the grant document.

17. Quarterly Reporting

Quarterly Reports are contingent on the effective date of the agreement. For timely preparation and review, quarterly reports shall convey essential information in a simple, concise manner through the use of bulleted summary statements, lists, and tables and include the following:

- a. A comparison of actual accomplishments to the objectives established for the reporting period including a description of issues on fisheries resources;
- b. For any work related to GIS, designate data standard utilized and associated data documentation.
- c. Status of project schedule
- d. Personnel changes
- e. Any difficulties encountered during the quarter.
- f. Environmental benefits being achieved by the project

Reporting Periods

Progress Report	Reporting Period	Date Due
2003-2004		
First Quarter	July 1 – September 30	October 20, 2003
Second Quarter	October 1 – December 31	January 20, 2004
Third Quarter	January 1 – March 31	April 20, 2004
Fourth Quarter	April 1 – June 30	July 20, 2004
2004-2005		
First Quarter	July 1 – September 30	October 20, 2004
Second Quarter	October 1 – December 31	January 20, 2005
Third Quarter	January 1 – March 31	April 20, 2005
Fourth Quarter	April 1 – June 30	July 20, 2005

Ecology reserves the right to terminate this agreement, as specified in paragraph K.1. of the General Terms and Conditions, for:

- a. failure to comply with quarterly reporting requirements.
- b. failure to demonstrate satisfactory progress on elements and/or tasks as described in the Scope of Work.

18. **Amendments:** A "letter" amendment is a written request by the Recipient to extend the project completion and expiration dates. On the approval of Ecology's project officer, the request is then forwarded to the Ecology Budget and Fiscal Offices for processing. A formal amendment is required for a significant change to the scope of work or an increase or decrease to the total eligible project cost and is signed by both parties. Note: In no case may time extensions past June 30, 2005 be allowed without a new funding appropriation.
19. **Failure To Commence Work:** This grant awarded under the Flood Control Assistance Account Program is viable up to March 31, 2004. The grant agreement must be duly executed (signed by both parties) and there has been a good faith effort demonstrated toward meeting project goals that have been documented through quarterly progress reports. **If all of these conditions have not been met by March 31, 2004, the grant award is automatically rescinded and funds reprogrammed to other local jurisdictions in need.**
20. **Grant Closeout:** All products for this project shall be submitted to the DEPARTMENT on or before **June 30, 2005** or otherwise specified in the Scope of Work. Final payment requests must be submitted no later than **July 20, 2005**.
21. **All Writings Contained Herein:** This agreement, the appended "General Terms and Conditions", and ECOLOGY'S current edition of "Administrative Requirements for Ecology Grants and Loans", contains the entire understanding between the parties, and there are no other understandings or representations except those set forth or incorporated by reference herein. No subsequent modification(s) or amendments to this agreement shall be of any force or effect unless in writing, signed by authorized representatives of the RECIPIENT and ECOLOGY and made a part of this agreement.

Special Terms & Conditions for Flood Damage Reduction Projects

AGREEMENT PROVISIONS

1. **Compliance with all Laws:** The Recipient shall comply fully with all applicable federal, state and local laws, orders, regulations and permits.
2. **Restrictions on Lobbying:** The Recipient of this agreement is prohibited from using funds provided by this agreement for lobbying purposes in accordance with the current edition of the Administrative Requirements for Ecology Grants and Loans, Publication No. 91-18, Part III, Section G (Unallowable Costs).
3. **Local Decision:** This grant is made in response to a request for financial assistance from the Recipient to undertake flood hazard reduction projects. The choice of floodplain management activities addressed by this grant is a local decision made solely by the Recipient. The Recipient is not acting as an agent of the State.
4. **Lawsuits:** The Recipient agrees to accept all responsibility for any non-contractual damage or inverse condemnation claims resulting from the structures or works constructed, repaired, restored, maintained or improved pursuant to this grant. The filing of any legal action by the Recipient against Ecology, for non-contractual damage or inverse condemnation claims resulting from the structures or works constructed, repaired, restored, maintained or improved pursuant to this grant, shall be grounds for immediate termination of all open FCAAP grants with the local jurisdiction, and may jeopardize the jurisdiction's opportunity to be awarded future FCAAP funds.
5. **Indemnification, Hold Harmless and Duty to Defend:**
 - a. The Department shall in no way be held responsible for payment of salaries, consultant's fees, and other costs related to the project described herein, except as provided in the scope of work.
 - b. This paragraph applies to negligence based claims only. All other claims are governed by paragraph 4 of this section. To the extent the constitution and laws of the State of Washington permit, Recipient shall indemnify, defend and hold harmless the State, its agencies, officers and employees, from all claims, suits or actions brought for any or all injuries to persons or property arising from, or as a consequence of, negligent acts or omissions related to the construction, restoration, repair, maintenance, improvement or operation of the structures or works for which this grant is provided. If the structure or works for which this grant is received are a portion of an integrated flood protection system, Recipient agrees to indemnify, defend and hold harmless the State of Washington, its agencies, employees, and officers against any and all liability arising out of the operation, maintenance, or repair of that integrated flood protection system.

The Recipient will not be required to indemnify, defend, or save harmless the State, its agencies, officers or employees as provided in the preceding paragraph of this section if the claim, suit, or action for injuries, death, or damages is caused by the sole

negligence of the State. Where such claims, suits, or actions result from the concurrent negligence of (a) the State, or the State's agents or employees and (b) the Recipient or the Recipient's agent or employees, the indemnity provisions provided in the preceding paragraphs of this section shall be valid and enforceable only to the extent of the Recipient's negligence or the negligence of its agents and employees.

- c. To the extent that the constitution and laws of the State of Washington permit, Recipient shall indemnify and hold harmless the State of Washington, its agencies, employees, and officers against any and all liability arising out of the continued operation, maintenance, or repair, of the structures or works constructed, restored, repaired, maintained or improved as a result of this grant. If the structure or works for which this grant is received are a portion of an integrated flood protection system, Recipient agrees to indemnify, defend and hold harmless the State of Washington, its agencies, employees, and officers against any and all liability arising out of the operation, maintenance, or repair of that integrated flood protection system. This agreement applies to all non-negligent, non-contractually based claims including, but not limited to, inverse condemnation, contribution, indemnification, trespass and/or nuisance.
- d. Recipient agrees that neither the existence nor amount of this agreement may be used as evidence in any civil proceedings in which the State of Washington, its agencies or officers are a party, except actions for breach of the grant agreement.

6. **Quality Assurance/Quality Control (QA/QC) Plan:** IF this project involves the collection of environmental measurement data, the Recipient needs to prepare a QA/QC plan to ensure the consistent application of quality assurance principles to the planning and execution of all activities involved in generating this data. The plan shall be conducted in accordance with the DEPARTMENT's Guidelines and Specifications for Preparing Quality Assurance Project Plans for Environmental Studies, current edition, (Ecology Publication No. 91-16). The plan must describe the monitoring and data quality objectives, procedures, and methodologies which will be used to ensure that all environmental data generated will meet these requirements. The size and complexity of the plan should be cost effective and in proportion to the magnitude of the sampling effort. The RECIPIENT may also reference Technical Guidance for Assessing the Quality of Aquatic Environments, February 1994 (Ecology Publication No. 91-78), in developing the plan. The QA/QC report shall be limited to a concise description of the environmental measurement aspects of this project. Ecology's Project Officer shall review and approve this plan prior to initiation of work.

The QA/QC plan may describe the following elements:

- Assumptions that direct the collection and analysis;
- Resources used (such as flights for aerial photos);
- Resource documents that will be consulted;
- Field methods employed;
- Office methods employed;
- Training level of staff involved in data collection and analysis;
- Equipment/materials to be used and accurate calibration assurance.

7. **Annual Flood Budget:** The Recipient will provide a copy of the annual flood budget when returning signed grants to Ecology. Failure to provide this information required by WAC 173-145-030(5) will result in termination of this grant. If this information is not available, please provide a separate letter explaining why budget information is not available.

8. **Access to Records and Right to Audit**

- a. The RECIPIENT agrees that the Auditor for the State of Washington shall, until the expiration of three (3) years after expenditure of funds under this grant, have access to and the right to examine any directly pertinent books, documents, papers, and records of the RECIPIENT involving transactions related to this grant. The RECIPIENT agrees to include the substance of this paragraph into all grants and subcontracts payable from contract funds in whole or in part.
- b. The RECIPIENT agrees that payment(s) made under this grant shall be subject to reduction for amount charged thereto which are found after audit examination not to constitute allowable costs under this grant. The RECIPIENT shall refund by check payable to the DEPARTMENT the amount of such reduction of payments under completed or terminated grants.
9. **Maintenance of Records:** All required records shall be maintained until a state audit is completed and all questions arising therefrom are resolved, or three (3) years after completion of a project, whichever is sooner.
10. **Consistency:** It is the responsibility of the Recipient to ensure that all sub-recipients and contractors comply with the terms and conditions of the agreement and that the State of Washington is named as an express third-party beneficiary of such subcontracts with full rights as such.

11. **Minority And Women's Business (MWBE) Participation**

The RECIPIENT agrees to solicit and recruit, to the maximum extent possible, certified minority-owned (MBE) and women-owned (WBE) businesses in purchases and contracts initiated after the effective date of this Agreement.

In the absence of more stringent goals established by the RECIPIENT's jurisdiction, the RECIPIENT agrees to utilize the DEPARTMENT'S goals for minority- and women-owned business participation in all bid packages, request for proposals, and purchase orders. These goals are expressed as a percentage of the total dollars available for the purchase or contract and are as follows:

Construction/Public Works	10% MBE	6%WBE
Architecture/Engineering	10% MBE	6%WBE
Purchased Goods	8% MBE	4%WBE
Purchased Services	10% MBE	4%WBE
Professional Services	10% MBE	4%WBE

Meeting these goals is voluntary and no contract award or rejection shall be made based on achievement or non-achievement of the goals. Achievement of the goals is encouraged, however, and the RECIPIENT and ALL prospective bidders or persons submitting

qualifications shall take the following affirmative steps in any procurement initiated after the effective date of this Agreement:

- a. Include qualified minority and women's businesses on solicitation lists.
- b. Assure that qualified minority and women's businesses are solicited whenever they are potential sources of services or supplies.
- c. Divide the total requirements, when economically feasible, into smaller tasks or quantities, to permit maximum participation by qualified minority and women's businesses.
- d. Establish delivery schedules, where work requirements permit, which will encourage participation of qualified minority and women's businesses.
- e. Use the services and assistance of the State Office of Minority and Women's Business Enterprises (OMWBE) and the Office of Minority Business Enterprises of the U.S. Department of Commerce, as appropriate.

By signing this Agreement, the RECIPIENT certifies that the above steps were, or will be followed. Any contractor engaged by the RECIPIENT under this agreement shall be required to follow the above five affirmative steps in the award of any subcontract(s).

The RECIPIENT shall report to the DEPARTMENT at the time of submitting each invoice, on forms provided by the DEPARTMENT, payments made to qualified firms. The report will address:

- a. Name and state OMWBE certification number of any qualified firm receiving funds under the voucher, including any sub-and/or sub-subcontractors.
- b. The total dollar amount paid to qualified firms under this invoice.

12. Financial Guidelines: The RECIPIENT shall comply with the DEPARTMENT's current edition of the "Administrative Requirements for Ecology Grants and Loans" (Ecology publication number 91-18). The RECIPIENT shall be responsible for maintaining appropriate financial records throughout the life of the project and in accordance with these guidelines.

13. Payment Requests: Requests for reimbursement shall be submitted at least quarterly but not more than once per month by the RECIPIENT on state invoice voucher forms. Payment requests are to include at a minimum Form A19-1A "Invoice Voucher", Form B, "Running Budget Summary", Form C: Voucher Support" and Form D "Contractor Participation Report" (if applicable). All requests for payment are to be consistent with the budget as listed in the budget section of this agreement **and accompanied by a commensurate progress report.**

NOTE: Ecology forms listed above are contained in the "Administrative Guidelines for Ecology Grants and Loans" and must be used for payment requests. Otherwise requests will be returned to the RECIPIENT for submittal on the correct forms. Electronic copies of these forms and the "Administrative Requirements for Ecology Grants and Loans" ("Yellow Book") are available at Ecology's websites:

- Forms - <http://www.ecy.wa.gov/biblio/91018A.html>
- Yellow Book - <http://www.ecy.wa.gov/biblio/91018.html>

Complete backup documents (to include but not limited to all invoiced costs, time sheets [signed and dated by both employee and supervisor], etc.) MUST be maintained by the RECIPIENT. These expenses will be kept in grant files according to budget task for a period of three years after project completion and made available at any time for inspection by the DEPARTMENT.

Final payment of grant projects is contingent on receipt of viable work products as listed in the grant document.

14. Quarterly Reporting

Quarterly Reports are contingent on the effective date of the agreement. For timely preparation and review, quarterly reports shall convey essential information in a simple, concise manner through the use of bulleted summary statements, lists, and tables and include the following:

- a. A comparison of actual accomplishments to the objectives established for the reporting period including a description of issues on fisheries resources;
- b. For any work related to GIS, designate data standard utilized and associated data documentation.
- c. Status of project schedule
- d. Personnel changes
- e. Any difficulties encountered during the quarter.
- f. Environmental benefits being achieved by the project

Reporting Periods

Progress Report	Reporting Period	Date Due
2003-2004		
First Quarter	July 1 – September 30	October 20, 2003
Second Quarter	October 1 – December 31	January 20, 2004
Third Quarter	January 1 – March 31	April 20, 2004
Fourth Quarter	April 1 – June 30	July 20, 2004
2004-2005		
First Quarter	July 1 – September 30	October 20, 2004
Second Quarter	October 1 – December 31	January 20, 2004
Third Quarter	January 1 – March 31	April 20, 2005
Fourth Quarter	April 1 – June 30	July 20, 2005

Ecology reserves the right to terminate this agreement, as specified in paragraph K.1. of the General Terms and Conditions, for:

- a. failure to comply with quarterly reporting requirements.
- b. failure to demonstrate satisfactory progress on elements and/or tasks as described in the Scope of Work.

- 15. Deliverables:** The Recipient shall provide the Department with the following deliverables:
- Two sets: As-built drawings, signed and sealed by a professional engineer licensed in the State of Washington.
 - Two copies: Final project summary report, signed by the Project Engineer declaring that the project was, to the best of his/her knowledge, constructed and completed in accordance with the construction plans and specifications and generally accepted engineering/construction practice.
 - Two sets: Photographic documentation (35mm color prints) of the project before and after construction in sufficient quantity to effectively illustrate important phases of construction and project progress.
- 16. Amendments:** A "letter" amendment is a written request by the Recipient to extend the project completion and expiration dates. On the approval of Ecology's project officer, the request is then forwarded to the Ecology Budget and Fiscal Offices for processing. A formal amendment is required for a significant change to the scope of work or an increase or decrease to the total eligible project cost and is signed by both parties. Note: In no case may time extensions past June 30, 2005 be allowed without a new funding appropriation.
- 17. Failure To Commence Work:** This grant awarded under the Flood Control Assistance Account Program is viable up to March 31, 2004. The grant agreement must be duly executed (signed by both parties) and there has been a good faith effort demonstrated toward meeting project goals documented through quarterly progress reports. **If all of these conditions have not been met by March 31, 2004, the grant award is automatically rescinded and funds reprogrammed to other local jurisdictions in need.**
- 18. Grant Closeout:** All products for this project shall be submitted to the DEPARTMENT on or before **June 30, 2005** or otherwise specified in the Scope of Work. Final payment requests must be submitted no later than **July 20, 2005**.
- 19. All Writings Contained Herein:** This agreement, the appended "General Terms and Conditions", and ECOLOGY'S current edition of "Administrative Requirements for Ecology Grants and Loans", contains the entire understanding between the parties, and there are no other understandings or representations except those set forth or incorporated by reference herein. No subsequent modification(s) or amendments to this agreement shall be of any force or effect unless in writing, signed by authorized representatives of the RECIPIENT and ECOLOGY and made a part of this agreement.